



12-29-04

JFW

Docket No.: 49784DIV(71417)  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Kenneth Walsh

Application No.: 10/713,678

Confirmation No.: 2909

Filed: November 14, 2003

Art Unit: 1614


For: HMG CoA REDUCTASE INHIBITORS  
FOR PROMOTING ANGIOGENESIS

Examiner: Not Yet Assigned

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**CERTIFICATE OF EXPRESS MAIL**

I, Patricia A. Barnes, hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service with sufficient postage as "Express Mail Post Office To Addressee" service, **Label No. EV517915995US** in an envelope addressed to Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on **December 21, 2004**.

  
Patricia A. Barnes

**INFORMATION DISCLOSURE STATEMENT (IDS)**

Dear Sir:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This Information Disclosure Statement is filed before the mailing date of a first Office Action on the merits as far as is known to the undersigned (37 CFR 1.97(b)(3)).



Application No.: 10/713,678

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References listed on PTO-1449 Sheets 1 thru 4 were considered in the parent case and copies are not enclosed with this submission. If the Examiner requires another copy of any of the references, the undersigned will promptly provide them on request.

Copies of references CA and CB listed on the PTO/SB/08 are attached.

In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. In accordance with 37 CFR 1.97(h), the filing of this Information Disclosure statement shall not be construed to be an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 04-1105, under Order No. 49784DIV(71417). A duplicate copy of this paper is enclosed.

Dated: December 21, 2004

Respectfully submitted,

By 

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Attorney for Applicant



Application No. (if known): 10/713,678

Attorney Docket No.: 49784DIV(71417)

## Certificate of Express Mailing Under 37 CFR 1.10

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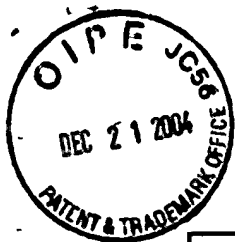
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IDS (Citation) by Applicant (2 References) (1 page); copies of 2 ref.  
Information Disclosure Statement (2 pages)  
Copies of PTO Sheets 1-4 (from parent case)



PTO/SB/08a/b (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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<b>Substitute for form 1449A/B/PTO</b>  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)				<b>Complete if Known</b>	
				Application Number	10/713,678-Conf. #2909
				Filing Date	November 14, 2003
				First Named Inventor	Kenneth Walsh
				Art Unit	1614
				Examiner Name	Not Yet Assigned
Sheet	1	of	1	Attorney Docket Number	49784DIV(71417)

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)				

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS				
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>	
	CA	Y. Fugio, et al. "Akt Mediates Cytoprotection Of Endothelial Cells By Vascular Endothelial Growth Factor In An Anchorage-Dependent Manner", J. Biological Chemistry, Vol. 274, No. 23, June 4, 1999, pp. 16349-16354.		
	CB	C. Michael White "Pharmacological Effects of HMG C0A Reductase Inhibitors Other Than Lipoprotein Modulation", J. of Clinical Pharmacology, Vol. 39, No. 2, Feb. 1999, pp. 111-118.		

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature		Date Considered	
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FORM PTO-1449	DOCKET NO.: 49784-DIV	SERIAL NO.: 10/713,678
INFORMATION DISCLOSURE STATEMENT	APPLICANT(S): Kenneth Walsh (71417)	
	FILING DATE: Nov. 14, 2003	GROUP NO.: 1614

## UNITED STATES PATENT DOCUMENTS

EXAM. INITIALS		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	AA	4,976,967	12/11/90	McClelland et al.	424	473	
	AB	5,376,383	12/27/94	Alberts et al.	424	473	
	AC	5,622,985	4/22/97	Olukotun et al.	514	423	
	AD	5,674,893	10/7/97	Behounek et al.	514	451	
	AE	5,902,805	5/11/99	Breton et al.	514	159	
	AF	6,040,157	3/21/00	Hu et al.	435	69.4	

## FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES/NO
	AG	WO 99/18952	4/22/99	WIPO			Yes
	AH	WO 00/20025	4/13/00	WIPO			Yes
							Yes

## OTHER DOCUMENTS (INCLUDING AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.)

	AI	Search results from the USPTO Patent Bibliographic Database
	AJ	Search results from Biosis, Medline, Chem Abstracts, Derwent Biotech
	AK	Search results from Medline, EMBASE, Derwent Biotech, FEDRIP, ChemEng, CA Search
	AL	Search results from US Patent, US Claims & Abstracts, World Patent Index, Japio, Chinese Abstracts, EPO Fulltext
	AM	Search results from US Patents Fulltext, EPO Fulltext
	AN	Search results from US Fulltext, US Claims, World Patent Index, EPO Fulltext, Japio, Chinese Abstract
	AO	Search results from European Patents
Examiner:		Date:

<b>FORM PTO-1449</b>				DOCKET: 49784-DIV (71417)		SERIAL NO.: 10/713,678	
<b>INFORMATION DISCLOSURE STATEMENT</b>				APPLICANT(S): Kenneth Walsh			
				FILING DATE: Nov. 14, 2003		GROUP NO.: 1614	
<b>UNITED STATES PATENT DOCUMENTS</b>							
<b>EXAM. INITIALS</b>		<b>DOCUMENT NUMBER</b>	<b>DATE</b>	<b>INVENTOR/ASSIGNEE</b>	<b>CLASS</b>	<b>SUBCLASS</b>	<b>FILING DATE IF APPROPRIATE</b>
	AA	RE 36,520	01/18/2000	R. L. Smith, et al.			
<b>FOREIGN PATENT DOCUMENTS</b>							
		<b>DOCUMENT NUMBER</b>	<b>DATE</b>	<b>COUNTRY</b>	<b>CLASS</b>	<b>SUBCLASS</b>	<b>TRANSLATION YES/NO</b>
	BA	WO 97/18303	22/05/1997	Europe			
<b>OTHER DOCUMENTS (INCLUDING AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.)</b>							
	CA	Notification of Transmittal of the International Search Report or the Declaration for PCT/US01/18175					
<b>EXAMINER:</b>					<b>DATE:</b>		

**Information Disclosure Statement****PTO - 1449**

Attny. Docket No.

49784-DIV (71417)

Serial No.: 10/713,678

Applicant(s): Kenneth Walsh

Filing Date

Nov. 14, 2003

Art Unit  $\pm 6 \pm 4$ **UNITED STATES PATENT DOCUMENTS**

Exam. Initials	Ref. No.	Document Number	Date	Name	Class	File Date
	AA	5,968,983	10/19/1999	Kaesemeyer	514/564	04/10/97

**FOREIGN PATENT DOCUMENTS**

Exam. Initials	Ref. No.	Document Number	Date	Country or Office	Class	
	BA	WO 99/30704	24 June 1999	PCT		

**OTHER DOCUMENTS (INCL. TITLE, AUTHOR, DATE, PAGES, ETC)**

Exam. Initials	Ref. No.	
	CA	Y. Kureishi, et al., "The HMG-CoA Reductase inhibitor simvastatin activates the protein kinase Akt and promotes angiogenesis in normocholesterolemic animals." <i>Nature Medicine</i> Vol. 6: No. 8, pp 1004-1010 September 2000.
	CB	International Search Report for PCT/US01/18175

Examiner:

Date:

<b>FORM PTO-1449</b>  <b>INFORMATION DISCLOSURE STATEMENT</b>	<b>DOCKET NO:</b> 49784-DIV (71417)	<b>SERIAL NO.:</b> 10/713,678
	<b>APPLICANT:</b> K. Walsh	
	<b>FILING DATE:</b> Nov. 14, 2003	<b>GROUP NO.</b> 1614

**UNITED STATES PATENT DOCUMENTS**

EXAM. INITIALS	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIAT

**FOREIGN PATENT DOCUMENTS**

DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES/NO

**OTHER DOCUMENTS (INCLUDING AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.)**

C1	Sata, et al., "Statins Augment Collateral Growth in Response to Ischemia, but They Do Not Promote the Development of Cancer and Atherosclerosis", Circulation 106: II-238. 2002.
C2	Kureishi et al., "The HMG-CoA reductase inhibitor simvastatin activates the protein kinase Akt an promotes angiogenesis in normocholesterolemic animals," Nat Med 6:1004-1010, 2000.
C3	Brouet A., et al., "Hsp90 and caveolin are key targets for the proangiogenic nitric oxide-mediated effects of statins", Circ Res. 89: 866-873, 2001.
C4	Llavadot et al., "HMG-CoA reductase inhibitor mobilizes bone-marrow derived endothelial progenitor cells", J. Clin. Invest. 108: 399-405, 2001.
C5	Dimmeler, et al., "HMG-CoA-reductase inhibitors (statins) increse endothelial progenitor cells via the PI 3-kinase/Akt pathway", J. Clin. Invest. 108: 391-397, 2001.
C6	Vasa, et al., "Increase in Circulating Endothelial Progenitor Cells by Statin Therapy in Patients With Stable Coronary Artery Disease", Circulation. 2001; 103-2885.

<b>EXAMINER:</b>	<b>DATE:</b>
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